



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/786,166

02/26/2004

David W. Dise

07880007AA

9136

30743

7590

05/25/2006

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.  
11491 SUNSET HILLS ROAD  
SUITE 340  
RESTON, VA 20190

EXAMINER

RICHMAN, GLENN E

ART UNIT

PAPER NUMBER

3764

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/786,166             | DISE ET AL.         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Glenn Richman          | 3764                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Halsworth.

Halsworth discloses a handle (12), a pulley connectable to a weight stack or resistance machine (fig. 2, col. 1, lines 56-63), and a cord which passes through said pulley and is connected to said handle at two points separated along a length of said handle (fig. 1), said handle being freely rotatable about a longitudinal axis passing through the handle and being freely shiftable, movable or turnable with said cord passing through said pulley during shifting, moving or turning (fig. 1).

As for claims 3, 4, 7-12, Halsworth discloses the cord is rubber (col. 1, lines 56-63), said cord is or includes a metal cable (col. 1, lines 56-63), handle includes a golf club grip (col. 1, lines 56-63), portion of a softball or baseball bat (col. 1, lines 56-63), said handle includes at least a portion of a hockey stick (col. 1, lines 56-63), at least a portion of a tennis racket (col. 1, lines 56-63), at least one of said two points where said cord and said handle are connected includes a member which encircles said

handle and permits rotation of said handle within said member (fig. 11), where said cord and said handle are connected includes washer assembly which fits within said handle and permits rotation of said handle relative to said washer assembly (fig. 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halsworth in view of Masters.

Halsworth does not disclose the cord is made of rope.

Masters discloses a cord made of rope (abstract).

It would have been obvious to use Masters rope with Halsworth cord, as it is well known to use a rope in a swing training device, as taught by Masters, for providing a link to the resistance device.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halsworth in view of Perry.

Halsworth does not disclose a protective sheath positioned over said cord at one or more locations.

Perry discloses a protective sheath positioned over said cord at one or more locations (col. 2, lines 46-49).

It would have been obvious to use Perry's sheath with Halsworth cord, as it is well known as taught by Perry, to use a sheath to protect the cord, in a swing training device.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halsworth in view of Liberatore.

Halsworth does not specifically disclose a swivel connector associated with said pulley.

Liberatore discloses a swivel connector associated with said pulley (fig. 3).

It would have been obvious to use Liberatore's swivel connector with Halsworth pulley, as it is well known as taught by Liberatore, to use a swivel connector in a swing training device, for providing freedom of movement, and as Halsworth uses swivel connectors on the training apparatus.

Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halsworth in view of Oppenheimer.

Halsworth does not disclose the handle is in the form of a ball.

Oppenheimer discloses a handle is in the form of a ball (col. 1, lines 18-25).

It would have been obvious to use Oppenheimer's ball with Halsworth training device, as it is well known as taught by Oppenheimer to use a ball as a handle, for providing a training method.


Oppenheimer does not specifically disclose a football, however it would have been obvious to use a football with Oppenheimer, as Oppenheimer lends itself to multiple training devices (col. 1, lines 18-25)

Oppenheimer further discloses said ball is a bowling ball (col. 1, lines 18-25).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 571-272-4981. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Glenn Richman  
Primary Examiner  
Art Unit 3764